



U.S. Department of Justice

United States Attorney
 Southern District of New York

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June 27, 2025

BY ECF & EMAIL

The Honorable Katherine Polk Failla
 United States District Judge
 Southern District of New York
 40 Foley Square
 New York, New York 10007

Re: *United States v. Roman Storm, 23 Cr. 430 (KPF)*

Dear Judge Failla:

The Government respectfully writes regarding the Court's order dated June 23, 2025, instructing the Government to notify the Court about when it proposes to respond to the defense's recent expert disclosures on or before June 27, 2025. (See Dkt. 179). The Government proposes that its motions regarding these disclosures, and any rebuttal disclosures, be due on July 3, 2025, with any response from the defense due on July 6, 2025. The Government has conferred with defense counsel, who has requested that the Government's disclosures be due on July 2, 2025, with its responses due on July 6, 2025.

The Government submits that its proposed schedule is reasonable under the circumstances. The defense disclosed substantial new expert reports, without any prior notice to the Government or the Court, on June 18, 2025. Those disclosures are largely if not entirely responsive to expert disclosures the Government produced more than four months prior, on February 14, 2025, despite the fact that the Court ordered the defendant's responsive expert disclosures to be produced on March 5, 2025. (Dkt. 134). It would be entirely reasonable for the Government to request that the Court simply strike these disclosures for their failure to comply with the Court's scheduling order. Moreover, the disclosures themselves omit critical information necessary to understanding them. (See Dkt. 178 (discussing some of these deficiencies)). Upon reviewing these disclosures, the Government promptly asked the defense for this information in emails on June 19 and June 20. The defense did not provide any further information until the morning of June 26, 2025, meaning that the Government was not even able to begin fully evaluating the disclosed opinions until that date. The Government is diligently working to analyze them while also preparing to produce its exhibit list on June 30, and otherwise in the midst of trial preparation.

Accordingly, a July 3 deadline for the Government to respond to these disclosures is reasonable. While this means that the defense would only have three days to respond to the Government's motions, that is a timeline entirely of the defense's own making given its decision to produce disclosures more than three months after the Court-imposed deadline.

As noted above, the parties have conferred and the defense has requested that the Government's response be due on July 2, with the defense opposition due on July 6. The defense has also asked us to include the following in this letter: "The defense opposes the government's proposal and will submit a separate letter with its own proposed briefing schedule."

Respectfully submitted,

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